

REMARKS

The claims have been amended to reflect those in the Examiner's current rejection.

The Examiner has rejected Claim 1 under 35 U.S.C. 101 as being directed toward non-statutory subject matter. Applicant respectfully asserts that such rejection has been avoided by virtue of the clarification made hereinabove to the claim.

The Examiner has rejected Claims 1-4, 9, 14-21, 26, 31-38, 43 and 48-54 under 35 U.S.C. 103(a) as being unpatentable over Girardot et al. (U.S. Patent No. 7,089,567) in view of Kouznetsov et al. (U.S. Patent No. 6,931,546). Applicant respectfully disagrees with such rejection.

Applicant respectfully asserts that Kouznetsov and the present application were both owned by and/or subject to an obligation of assignment to Network Associates, Inc., including any wholly owned subsidiaries thereof, at the time of invention of the subject matter in the present application. Thus, Kouznetsov is believed to be disqualified as a prior art reference under 35 U.S.C. 103(c).

In particular, the Kouznetsov reference issued on 08/16/2005, which is after the filing date of the present application (03/07/2002). Therefore, the rejection of Claims 1-4, 9, 14-21, 26, 31-38, 43 and 48-54 under 35 U.S.C. 103(a) is based on 35 U.S.C. 102(e) prior art. As a result, Kouznetsov is disqualified as prior art to the present invention under 35 U.S.C. 103(c). Please find the attached statement signed by an attorney of record indicating that Kouznetsov and the present application were both owned by and/or subject to an obligation of assignment to Network Associates, Inc., including any wholly owned subsidiaries thereof, at the time of invention of the subject matter in the present application.

Thus, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NAIIP451).

Respectfully submitted,  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Nedbal et al.

Application No.: 10/092,420

Group No.: 2142

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Examiner: Lin, Kelvin Y.

For: AGENT ARCHITECTURE FOR TRIGGERING REMOTELY INITIATED DATA  
PROCESSING OPERATIONS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT OF COMMON OWNERSHIP OF PRIOR ART CITATION AND  
INVENTION TO DISQUALIFY PRIOR ART UNDER 35 U.S.C. § 103(c)

The above identified application and the citation U.S. Patent No. 6,931,546 to Kouznetsov et al. were, at the time the invention of the present application was made, owned by and/or under subject to an obligation of assignment to the same entity, Network Associates, Inc., including any wholly owned subsidiaries thereof.

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Signature of Practitioner

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